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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3931 OF 2007

Anil Pandharinath Bharambe .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.S.V. Marwadi for the applicant.

Mrs.M.M. Deshmukh APP for the State.

CORAM : D.G.KARNIK, J

DATED : 12th December 2007

P.C.:

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant has been arrested in connection with a crime registered under C.R. No.606 of 2007 with Chaturshrigi police station for the alleged offence punishable u/s.420 r/w sec.34 of the IPC. the main accused is Premchand Kamble who is the promoter and Director of a Private limited company known as Unique Pincrop Pvt.Ltd. (for

short "the company"). The petitioner is a Manager of the Thane branch of the company. The company floated a scheme at Pune under which members of the public were invited to invest a sum of Rs.70,000/- whereupon the company would purchase an Indica car and let it out to different infotech tax companies and pay the income after deducting expenses and its charges to the investor. Mr.Santosh Shinde was a Manager of Pune branch. A complaint was lodged by Sachin Digambar Gaikwad that he had paid a large sum of money to the company. The company paid few instalments of income from car but did not pay any money thereafter. The company had thus pocketed the money invested. He, therefore, alleged that an offence punishable under section 406 r/w 4200 of the IPC was committed by the company. In the complaint, the complainant at one place mentioned that when the money was not paid he had gone to the main office at Thane where he had met the petitioner who was the manager of the Thane office. The petitioner told him that the main Director Premchand Kamble was not available but assured the petitioner not to worry and everything would be alright after the income tax matter was settled. Perusal of the complaint shows that all monies were paid by the complainant between the period February 2007 to August 2007. The complainant met the petitioner for the first time on 1st September 2007. Thus, the petitioner was not

even a party to any misrepresentation allegedly made by the company or by Mr.Shinde, the manager of Pune branch. Money was not entrusted to the petitoiner but money was entrusted to Mr.Shinde as a manager of the Pune branch of the company. Petitioner is not alleged to be the receiver of the money.

3. Taking into consideration the fact that petitioner is only an employee of Thane branch and petitioner had no role in respect of the money allegedly collected by Mr.Shinde on behalf of the company and also taking into consideration that Shinde has already been granted bail by the Sessions Judge, Pune, in my opinion, petitioner is entitled to a bail. In the circumstances, I pass the following order :-

O R D E R

. Petitioner be released on bail on personal bond of Rs.50,000/- with two local sureties of Rs.25,000/- each subject to the following conditions:-

i) Petitioner shall co-operate with the investigation and attend the police station for investigation as and when summoned by the police.

(D.G. KARNIK, J)